

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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<b>DONALD FRANGIPANI,</b>	:	<b>ECF Case</b>
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	:	
	<b>Plaintiff,</b>	:
	:	<b>No. 08 Civ. 5675 (GBD)</b>
<b>- against -</b>	:	
	:	
<b>HBO; BRYANT GUMBEL; RICK BERNSTEIN;</b>	:	
<b>ROSS GREENBURG; KIRBY BRADLEY; ANDREW</b>	:	
<b>BENNETT; JOE PERSKIE; TRES DRISCOLL;</b>	:	
<b>and ARMEN KETEYIAN; COLLECTORS</b>	:	
<b>UNIVERSE INC., d/b/a PSA/DNA</b>	:	
<b>AUTHENTICATION SERVICES; JAMES SPENCE</b>	:	
<b>AUTHENTICATION; JAMES SPENCE,</b>	:	
<b>individually; RICHARD SIMONE SPORTS;</b>	:	
<b>RICHARD SIMON, individually;</b>	:	
	<b>Defendants.</b>	:
	:	

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying Memorandum of Law, Affidavit of Rolande Prince, and Declaration of Stephanie S. Abrutyn, Esq., defendants Home Box Office, Inc., Bryant Gumbel, Rick Bernstein, Ross Greenburg, Kirby Bradley, Joe Perskie and Armen Keteyian, by and through their undersigned counsel, hereby move to dismiss the Complaint or, in the alternative, for summary judgment.

PLEASE TAKE FURTHER NOTICE that any opposition to this Motion must be served and filed by July 28, 2008.

Dated: New York, New York  
July 16, 2008

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

By: /s/ David A. Schulz  
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